

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 53347 of 2021 (O&M)
Date of Decision: 21.12.2021**

Kuldeep Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Paras Talwar, Advocate
for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition is directed against the order, made on 09.11.2021, by the learned Additional Sessions Judge, Fatehabad, whereby the bail of the petitioner / accused, on account of his non-appearance, has been cancelled, while issuing warrant of arrest to him, as well as, notice to his surety under Section 446 of the Cr.P.C.

2. A perusal of custody certificate, enclosed as Annexure P-3, shows that on the afore date, the petitioner was in judicial custody. Consequently, he was precluded from his making personal appearance, before the learned Magistrate concerned.

3. Since, the afore is a valid reason for the accused, omitting to make his personal appearance, hence, the impugned order is set aside.

4. Leaned counsel for the petitioner states that the petitioner is still in judicial custody. In sequel, the learned Additional Sessions Judge, Fatehabad, is directed to ensure that the services of a legal aid, be provided

to the petitioner. If at any subsequent stage, the petitioner is enlarged on

bail, thereupon, the learned Additional Sessions Judge concerned, shall direct that he shall, unless, he is personally exempted from his (petitioner) making him personal appearances, before him, he shall make his personal appearance before him.

December 21, 2021

(SURESHWAR THAKUR)
JUDGE

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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>